

## **Nonpartisan Elections**

### ***Question:***

Should the City of Jacksonville Charter be amended to change our local officers to nonpartisan elections?

### **Background and Findings:**

Florida Election Code and an April 2019 Florida Supreme Court case are important pieces of information as we consider nonpartisan elections.

#### ***Florida Election Code***

Florida Election Code states certain elections must be nonpartisan, specifying judicial officers and school board members are nonpartisan offices.<sup>1</sup>

#### ***Orange County, FL***

In 2014, Orange County, FL voters supported an Orange County charter change to include nonpartisan elections. This change was then challenged in the courts. On April 18, 2019, the Florida Supreme Court ruled that partisan elections must remain for constitutional officers.<sup>2</sup>

Because of this, should the Charter Revision Commission recommend moving to nonpartisan elections, it would not apply to Constitutional Officers, only City Councilmembers.

#### ***Unitary Elections***

The City of Jacksonville has held elections under the unitary system since 1995. The unitary election system is unique as it allows for all registered voters to participate in local elections, regardless of party affiliation. The unitary elections are open to all voters and there is no closed primary. The voters can vote in all the races relevant to them based on where they live. The First Unitary election allows for all candidates on the same one ballot. If a candidate gets 50% plus one of the votes, then there is no second election. If no candidate gets 50% plus one, then the top two advance to the General Unitary Election, where the winner will be decided. Our unitary election system allows for more voter participation because voters are not limited to a party-specific ballot. This unitary election system solves the problem many proponents for nonpartisan elections advocate for, being all voter participation.

#### ***Party Affiliation***

Allowing for party affiliation on a ballot could be a useful piece of information for a voter. Voter information in Florida is also public record. Because this information is available to the public, voters can take the additional steps to see a candidate's party affiliation. Nonpartisan candidates have also noted that voters will ask them party affiliation and are interested to know that information. Moving towards nonpartisan elections might eliminate an important indicator for voters to gauge their support for a candidate.

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<sup>1</sup> Florida Statute Chapter 105, Nonpartisan Elections

<sup>2</sup> Florida Supreme Court SC18-79, Orange County v. Singh

*Previous Charter Recommendations*

It is important to note that neither the 2009 Charter Revision Commission nor the 2014 Task Force on Consolidated Government recommended to move to nonpartisan elections.

**Questions to be answered:**

- Is our Mayor is considered a constitutional officer?
- If we moved to nonpartisan, we would still have partisan elections for Mayor, Sheriff, Property Appraiser, Tax Collector, Supervisor of Elections, Clerk of Courts?
- Sec 5.05 Elected Constitutional Officers of the Charter states "Councilmen shall be considered elected constitutional officers for purposes of s. 8, Article II of the State Constitution." So does that also mean that Councilmembers are constitutional officers and therefore, also must be partisan due to the FL Supreme Court ruling?